

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814



May 11, 1989

Letter No.: 89 - 41

TO: All County Welfare Directors
All County Administrative Officers

SUBJECT: IRCA/OBRA QUERIES

REFERENCES: ACWDLs 88-66, 88-68, 88-84, 88-87 and 88-91

The purpose of this letter is to disseminate alien policy information requested by counties.

Form MC 13

QUESTION 1: Is a new MC 13 required at redetermination, restoration or reapplication if a completed MC 13 is already on file?

ANSWER: A new MC 13 is required at redetermination when there is a change in the level of benefits requested or in immigration status, or when the MC 13 on file is incorrectly completed or not the one issued in ACWDL 88-87 (or a DHS-approved substitute). A new MC 13 is required for all reapplications and restorations following a break in aid. We are exploring ways to capture MC 13 information in a revised MC 210A.

QUESTION 2: Is an individual's refusal to declare on the MC 13 what level of benefits he/she desires or his/her name sufficient reason to deny benefits for failure to cooperate?

ANSWER: Yes.

QUESTION 3: Must we discontinue the eligibility of beneficiaries receiving long-term care services (LTC) who fail to complete the MC 13?

ANSWER: Yes. Of course, you should find out whether there is a good cause for their failure to cooperate.

QUESTION 4: When a Medi-Cal case is transferred to another county, which county must ensure that a properly completed MC 13 is on file?

ANSWER: The receiving county. However, the sending county must send any completed MC 13s in its files to the receiving county. Follow California Code of Regulations (CCR) Section 50136 (a)(1)(D).

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QUESTION 5: Question number one on the MC 13 requests place of birth. Is it sufficient to answer "U.S.A."?

ANSWER: No, the answer must include the city and state of birth. We will clarify this on the next edition of instructions to applicants.

QUESTION 6: If a mother calls the eligibility worker to add a newborn or any other child to her existing case, must we complete an MC 13 for the child before granting him/her benefits?

ANSWER: Yes. Please have it completed as soon as you can so that the baby can get a full service card right away. We suggest that an MC 13 be completed before birth and later updated with the newborn's given name, place of birth, etc.

QUESTION 7: An EW completes a redetermination in April 1989 for a citizen child living with an undocumented alien mother who does not receive Medi-Cal. The mother applies for restricted benefits now but would have done so in October of last year had she known about the new rules. Can we grant her restricted benefits retroactively to October 1, 1988, or for just the regulatory three months?

ANSWER: The undocumented alien parent is treated as a new applicant for benefits. Eligibility would start no earlier than January 1989. This would cover the current month of April and three months of retroactive benefits if requested. In general, you are not required to inform persons whose benefits you have denied or discontinued about subsequent favorable program changes. The omission doesn't create a new right for the individual.

QUESTION 8: Will the MC 13 be incorporated into the Statement of Facts (MC 210)?

ANSWER: We don't know yet. We are trying to determine the easiest way of capturing the information currently obtained through the MC 13. We'll keep you posted.

Visitors

QUESTION 9: An alien with a valid visitor's visa who didn't come to the U.S. to work intends presently to return to his/her country. Does he/she meet the state residence requirement?

ANSWER: No. Follow existing state residence regulations (CCR Section 50320).

Documentation of Alienage and Citizenship

QUESTION 10: When must we tell an alien applicant to provide proof of SIS?

ANSWER: As soon as you know he/she is an alien who wants full benefits.

QUESTION 11: An alien receiving restricted Medi-Cal benefits now requests full Medi-Cal benefits. He has recently entered LTC, and now claims to have SIS, but he has provided no documentation of it. Should the county grant full benefits presumptively while he obtains documentation?

ANSWER: No, benefits should continue to be restricted until documentation of SIS is submitted. Send him an MC 13 to complete, and ask him to submit INS documentation of that status. If he submits documentation, grant him full Medi-Cal benefits from the month that they were requested and he had SIS. If he can't obtain documentation, notify him that benefits will remain restricted.

QUESTION 12: An alien applicant, not in LTC or renal dialysis (RD), received full benefits presumptively by claiming SIS and having his application approved in less than 30 days. His benefits were reduced to restricted when he failed to submit evidence of SIS. After a short break in aid he reapplied for full benefits, again claiming, without proof, to have SIS. Must the county grant full benefits "presumptively" again?

ANSWER: No. The alien already had a reasonable opportunity to get proper documents from INS and chose not to do so.

QUESTION 13: An alien applicant claims SIS but, because he doesn't provide proof of it in 30 days, starts receiving restricted benefits effective January 1, 1989. On February 15, 1990 he provides proof of SIS which became effective on November 1, 1988. How far back can we grant full benefits if he is otherwise eligible?

ANSWER: All County Welfare Directors Letter (ACWDL) 88-66, page 4, instructs you to retroactively adjust benefits to full scope for the period of SIS, once SIS is documented. In this case, you can grant full benefits back to January 1, 1989 if you comply with CCR Section 50746, which requires you to contact our Department when you need to adjust benefits for more than one year. All this assumes the applicant claimed SIS but had good cause for not providing INS documentation.

QUESTION 14: Would the answer to question 13 be the same if the alien had not claimed to have SIS before February 15, 1990?

ANSWER: No. He would be entitled only to restricted Medi-Cal benefits, and you may not adjust them retroactively to full benefits. Full benefits would be appropriate starting at the point that the beneficiary first requests them and claims SIS (which claim must be supported by documentation within 30 days). This is similar to granting benefits only for the persons reported to be in the MFBU, but not for persons who you didn't know existed.

QUESTION 15: Is a Systematic Alien Verification for Entitlements (SAVE) confirmation required at every redetermination, restoration and reapplication for aliens who want full benefits?

ANSWER: Yes.

QUESTION 16: How would we know whether an I-551 card holder is an amnesty alien who has been granted lawful permanent residence?

ANSWER: The I-551 should have an alien registration number in the A-90,000,000 series.

QUESTION 17: Will the I-551 card issued to amnesty aliens contain the date of legalization?

ANSWER: Yes, I-551s in the A-90,000,000 series will contain a line on the back reporting the date of legalization for amnesty aliens. The line will read "TEMP RES ADJ DATE Month-Date-Year." Should the dates in the I-551 and the I-688 differ, the correct date would be the one in the I-551.

QUESTION 18: May we photocopy certificates of U.S. citizenship or naturalization?

ANSWER: Yes, as long as they are kept confidential and in the Medi-Cal case.

QUESTION 19: Must applicants born outside the United States who claim to be naturalized citizens or to have acquired citizenship provide proof of such citizenship to be eligible to full benefits?

ANSWER: Yes. If they don't provide proof within the customary time allowed for other criteria, such as income, they are only entitled to restricted benefits.

QUESTION 20: If a person claiming to be a naturalized citizen presents an INS fee receipt for replacement of lost documents, should the county submit the receipt to INS for verification?

ANSWER: Yes. Photocopy the receipt and send it to INS along with INS form G-845.

QUESTION 21: Would the individual referred to in question 20 be entitled to full benefits while verification is taking place?

ANSWER: Yes; if otherwise eligible, he/she would be entitled to full benefits pending INS verification. Reduce benefits if the eventual response from INS requires you to do so.

Benefits and Newborns

QUESTION 22: May newborn U.S. citizen children use their undocumented alien mother's restricted Medi-Cal card?

ANSWER: No. Issue these children a full-service card as soon as possible after birth. Keep in mind that an MC 13 must be completed for the newborn.

QUESTION 23: Sometimes we think or know that the service for which restricted-benefit applicants intend to use their card is not covered by Medi-Cal. Also, some individuals apply for restricted services even though they are not pregnant or in need of emergency medical treatment. May we deny eligibility on that basis?

ANSWER: No. Whether a given service is covered is a post-eligibility matter. Existence of a pregnancy or an emergency medical condition is not a requirement of eligibility. (Of course, a medical condition may affect the establishment of linkage connected with pregnancy, disability, blindness, or deprivation due to incapacity of a parent). Therefore, restricted benefit applicants can't be denied eligibility just because they don't need a pregnancy-related or emergency service at the time of application, or because you think that the service for which they intend to use the card is not covered or should not be covered.

Social Security Numbers

QUESTION 24: Sometimes we know the Social Security Number (SSN) of an applicant for restricted benefits even though it was not requested. For example, we have the SSN in old files from times when it was OK to ask for the SSN. Must we use the SSN for the Income and Eligibility Verification System (IEVS)?

ANSWER: Yes. You can't ask individuals applying for restricted benefits for their SSN (All County Welfare Directors Letter 88-87, page 1), but if the SSN is known from other means, you must use it for IEVS, on form MC 221 used for disability evaluation referrals, and for any other mandated purpose. You should document where you obtained the SSN.

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Linkage and MFBU

QUESTION 25: Undocumented aliens may be eligible for Medi-Cal but not for AFDC. May we establish AFDC-based Medi-Cal linkage for a parent whose only child, though deprived of parental support, is undocumented and thus ineligible for AFDC?

ANSWER: Yes.

QUESTION 26: If an undocumented alien applies for restricted benefits based on AFDC linkage due to unemployment, must she provide an SSN, as required by CCR Section 50215?

ANSWER: No. We can't ask restricted-service applicants for their SSN. We will change that regulation to reflect this policy. She would still have to meet the other conditions listed in CCR Section 50215.

QUESTION 27: Are eligible restricted-service beneficiaries considered eligible members of the MFBU even though they are undocumented aliens without an SSN?

ANSWER: Yes.

QUESTION 28: Are aliens who choose not to receive Medi-Cal benefits ineligible members of the MFBU?

ANSWER: Yes. Also, if appropriate, they would be financially responsible members of the MFBU.

If we may be of further assistance, please call the analyst assigned to the particular policy area in which you are interested. For system-related questions, please call your MEDS Network Liaison.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: 4-1-90